

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/003,122  
Applicant: Mike Dennis *et al.*  
Filed: November 14, 2001  
Group #: 3728  
Examiner: John T. Kavanaugh

Confirmation Number: 5951

Docket No: OAE.306 (J-OAER.1011)  
Customer No: 56703  
For: Cushioning Shoe Insole

**DECLARATION OF JUDITH A. DENNIS UNDER MPEP §716.03  
IN SUPPORT OF ALLEGATION OF COMMERCIAL SUCCESS**

I, Judith A. Dennis, declare:

1. I am Vice President and Treasurer of Oregon Aero, Inc., a corporation of the State of Oregon, assignee of the above-identified U.S. Patent Application, which assignment is recorded in the records of the U. S. Patent and Trademark Office on reel 014671, frame 0233;

2. Product, in the form of shoe insoles, manufactured according to the above-identified U.S. Patent Application, have been on sale and transported in interstate and international commerce since September 2000;

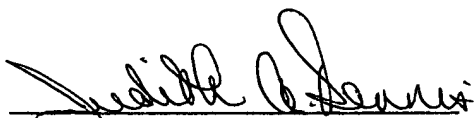
3. Since September 2000, as of November 2005, 21,520 pairs of insoles constructed according to the Specification and Claims of the above-identified Patent Application, have been shipped within the United States of America, and to Australia, Brazil, Canada, Germany, Finland, Israel, the Netherlands, the United Kingdom and the United Arab Emirates. These shipments represent a retail value of \$644,524.00;

4. An unspecified number of pairs of insoles have been shipped to members of the United States military services, where they have proven to be exceptionally well suited for use in combat and flight boots, providing shock absorbing characteristics to the wearers of the so-equipped boots, which have, in many instances, prevented injury to the wearers;

5. It is my opinion that the commercial success of the insoles constructed according to the invention is a direct result of the selection of materials used in the insoles and the manner of joining those materials together, as described and claimed in the above-identified Patent Application.

6. The undersigned, being hereby warned that willful false statements and the like are

punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting patent, declares that he/she is properly authorized to execute this declaration on behalf of applicant; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.



Judith A. Dennis  
Vice President, Treasurer  
Oregon Aero, Inc.

12-01-05

Date